

**VILLAGE OF CROTON ON HUDSON, NEW YORK
PLANNING BOARD MEETING MINUTES – TUESDAY, MARCH 8, 2011**

MEMBERS PRESENT: Chris Kehoe, Chairman
Mark Aarons
Fran Allen
Bruce Kauderer

ABSENT: Robert Luntz

ALSO PRESENT: Daniel O'Connor, P.E., Village Engineer

1. Call to Order:

The meeting was called to order at 8:00 P.M. by Chairman Kehoe.

2. PUBLIC HEARINGS

- a) *Green Hybrid Energy Solutions, Inc and Franzoso contracting – 33 Croton Point Avenue (Sec. 79.13 Blk. 2 Lot 5) – Application for Amended Site Plan Approval for installation of solar panel system.*

Mr. James Glover, president, of Green Hybrid Energy Solutions, Inc. presented his application for Amended Site Plan approval for installation of solar panels on the roof of the Franzoso Contracting Building. His company is a joint venture with Mark Franzoso of Franzoso Contracting to market solar voltaic panel systems.

Chairman Kehoe asked Mr. Glover to clarify the difference between the photographs from February 22nd, and the March 8th photographs since he (Chairman Kehoe) had not been at that meeting.

Mr. Glover explained that one rendering showed 66 panels, and the other showed 70 panels. Mr. Glover explained the rendering with the 70 panels in more detail: the panels would be divided into three arrays all facing the street. The first array will be on the higher elevation roof. This section will accommodate 4 rows of solar panels 8 across for a total of 32 panels. The second array will be on the lower level roof. This array will accommodate 3 rows of solar panels 8 across for a total of 24 panels. The third array will be a solar awning going across the front of the building over the front door. This solar awning will consist of one row of 14 panels.

The discussion focused on whether aesthetically the solar panels were acceptable if they were overhanging the ridgeline. Mr. Glover asked if wind was of concern, and Mr. Kauderer explained that at the previous meeting, Mr. Luntz's main concern was an aesthetic one.

Mr. Glover pointed out the building was surrounded by trees, and therefore, the residents in the area would not see the roof.

Mr. Glover stated that Mr. Franzoso would prefer the 70 panels to the 66 panels. From a safety point of view there was no issue because the system could handle wind loads of up to 140 mph and meet snow loads as well.

Mr. Kauderer, Ms. Allen, and Chairman Kehoe all agreed that they did not see a big aesthetic difference between the two renderings.

Mr. Aarons expressed concern about approving panels that went above the ridgeline and therefore setting a precedent for subsequent residential installations.

Chairman Kehoe stated that although usually he would not want to see an overhang from the roof ridge, he did not believe that the view leaving the train station was a negative one. The main charge to the Planning Board was to see if there would be a negative visual impact.

Chairman Kehoe opened the public hearing to comments from the public. There were no comments from the public.

Mr. Kauderer made a motion to close the public hearing, Ms. Allen seconded, and carried by a vote of 4-0.

A motion was made by Ms. Allen to approve the resolution, Mr. Kauderer seconded, and the motion was carried by a vote of 4-0. There were no conditions placed on this application, and it is to be noted, for the record, that the majority of the Planning Board voted for installation of 70 panels.

b) Croton Community Nursery School – Lower North Highland Place (Sec. 67.20 Bk. 2 Lots 5, 6, 9, 25 [formerly Lots 5, 6, 7, 8, 9, 10, 11, 12, & 25] – Application for a Preliminary Subdivision Approval – Continuation of public hearing.

Mr. Ronald Wegner, Engineer for Cronin Engineering, P.E. P.C., updated the Planning Board regarding the proposed subdivision. The public hearing had previously been adjourned until the Stormwater Pollution Prevention Plan prepared by Cronin Engineering had been reviewed by the Village's consulting engineering firm Dvirka and Bartilucci. The application submitted by Croton Community Nursery School (CCNS) consists of a three lot residential subdivision of a 10.45 acres parcel in the village of Croton-on-Hudson. Six acres of the parcel will be used for conservation purposes. The proposed residential parcels will gain their access from the existing Lower North Highland Place and no new roads or extensions of utilities are proposed. All of the proposed residences are to be served by the municipal sewage disposal and water supply systems located in the road fronting the site. There will be a total site disturbance of less than one acre for all of the proposed lot

construction. Dvirka and Bartilucci sent a letter stating that the drainage report was in compliance with Village Code and New York State Department of Conservation requirements.

Mr. Wegner pointed out that essentially there is no change in the layout in the drawings dated January 13, 2011 from the last drawings dated July 7, 2010. This subdivision started out as four lot subdivision and has been reduced to three. There had been discussion about the placement of houses in which the Lot 1 proposed residence is in the front of the lot; the Lot 2 proposed residence was moved up from the back to the front of the lot; and for Lot 3, although there has been different placements discussed, the applicant prefers this proposed residence to be constructed in the back of the lot.

Fran Allen referred to the following statement in the correspondence from Dvirka and Bartilucci, dated February 16, 2011, to the Village Engineer: "It should be noted that even though the applicant has demonstrated the post-construction runoff rates do not exceed pre-development runoff rates, the overall volume of storm water runoff generated by the site will increase. In addition, maintenance of the proposed storm water management system will be required to ensure that the system maintains its functionality and operates as designed."

Chairman Kehoe stated that the August 24, 2010 Planning Board minutes reflect that the Village would be willing to own the deed to the conservation parcel and Westchester Land Trust would hold the conservation easement.

The July 2010 Stormwater Report has been revised twice, once in November 2010, and for the second time in January 2011. Chairman Kehoe asked Mr. Wegner what it was that Dvirka and Bartilucci had requested that differed from the original report.

Mr. Wegner stated that his original report showed infiltration for additional runoff from the site up to a 10 yr storm. The original report did not include water quality or water quantity mitigation. Dvirka and Bartilucci wanted the New York standard for greater than a five-acre disturbance. This entails water quality and water quantity mitigation. Therefore, the current mitigation plan is designed as if the proposed project were disturbing more than 5 acres, rather than the 1-acre actually being proposed.

Mr. Wegner stated that this erosion and sediment control plan demonstrates the the proposed project's impact on the stormwater flows leaving the site. After completion of the site improvements, this analysis shows there will not be an increase in the rate of discharge of stormwater flows from this site for the 1, 10 and 100-year design storms for the two drainage basins. Mr. Wegner stated that the stormwater management system is designed to infiltrate over 90% of the average annual stormwater runoff volume.

Mr. Wegner said that they were infiltrating all stormwater up to and above the first 1.3 inches of rainfall per storm. Infiltrators at the bottom and at the top of driveways are similar in both sets of drawings except that the current drawing was detailed out and includes the erosion control plan. The Planning Board discussed in greater detail the post-construction water runoff and how the mitigation and infiltration plan addresses this excess runoff. There was detailed discussion about the catchment area for sediments, pre-treatment of water runoff by use of an infiltration bed, and ways to maintain or reduce flow rates during development.

Ms. Allen stated that there are old houses further down, and many of these houses get basement floods.

Mr. Wegner said that this plan is far above what he has ever done for the village. The drainage system is tied into the street drain and not towards the houses. Ms. Allen asked how much capacity did the street drains have? Mr. Wegner responded that they were not increasing what was going in the drains. Chairman Kehoe stated that the development was not making it worse; they weren't fixing the problem, but they were not making it worse. Mr. Sheer stated that no developer is responsible for what happens afterwards. Mr. Aarons asked if there was anything the village would want to do, to which Chairman Kehoe responded that Dvirka and Bartilucci had provided a plan.

Ms. Allen stated that although the Planning Board had previously stated that this project did not have the responsibility for the old houses, she thinks the village needs to understand that they will be compromising what is in the neighborhood. Mr. Sheer responded that he did not believe this to be true; the law required that the developer not increase rate of flow and that the increase in volume not be greater than what it was pre-development. If the village needs more drainage then that is up to the Village.

Ms. Allen asked if the village was going to maintain these drainage pipes. Mr. Sheer answered that the homeowner would be responsible for maintenance of the drainage pipes. Ms. Allen responded that then the people who live below these new houses would have to rely on their new neighbors to clean the drains. Mr. Sheer said the Planning Board could put a covenant on the deed that would require the homeowner to maintain the drains. The Village could then enforce this requirement.

Chairman Kehoe stated that the main reason for this hearing was to discuss the drainage report from Dvirka and Bartilucci and to hear further comments from the public.

Ms. Allen stated that she believed the Board never voted on what was appropriate for the site or the layout of the site.

Chairman Kehoe stated that he was satisfied with the subdivision consisting of three lots. He believed that the Planning Board had prior discussions about whether building the homes in the front or back impacted drainage.

Ms. Kate Fabian, Board President of CCNS, stated that previous boards of the nursery school had made the decision to sell the land, and the present board was trying to carry out this decision. She believed that the nursery school had been responsible in their obligations: they donated half of the land to public space, changed the number of lots from four to three, and made sure that the drainage plan was correct so that they could move forward.

Mr. Sheer stated that the Planning Board gets another chance when it reviews the site plans of the houses.

Mr. Wegner stated that two of the houses were moved forward from the back, and there had been discussion of Lot 3 but there was no resolution where it would be located.

Ms. Allen mentioned the number of trees that were going to be cut down, and believed that the Board needed to get an assessment of the trees. Mr. Wegner believed that this could be discussed during site plan process. Chairman Kehoe stated that the Board had left it open to which Ms. Allen responded that by leaving it open, the Board was more bound to do that plan.

Mr. Aarons stated that he believed this discussion was appropriate for site plan approval.

Mr. Sheer said that the applicant need only to prove, at this point, that three lots are possible on this piece of property. The specifics of what is built would be on the minor site plans. The issue before the Board tonight was if it was possible to build three houses on these lots.

Mr. Aarons questioned whether drainage would be affected, and Ms. Allen stated that she was not convinced that three lots were acceptable. Mr. Wegner stated that the steep slope impact in the front was much greater than the impact with the house in the back. Ms. Allen stated that she would prefer no house in the back. Mr. Aarons preferred the back.

Chairman Kehoe stated that the Planning Board was approving a subdivision and that discussion of the houses, on size of house or clearance, was not appropriate at this point.

Mr. Wegner stated that the engineering report was to the standard of greater than a one acre disturbance.

Chairman Kehoe opened the meeting to public comments.

Mr. Sam Watkins, of 30 Lounsbury Road, stated that after the heavy rain of the past few days, and the flooding that occurred in neighbors' basements, he believed this subdivision was going to have significant effect on the houses below. He also mentioned that John Grant, arborist, had studied the existing trees on the property, and once this board gives approval, the trees will be gone. It is important for the Board to discuss Mr. Grant's concerns about the trees rather than addressing this at a later point in time. The drainage issue is also significant, and it will be worse once these lots are disturbed. Mr. Watkins believed that two lots should be approved, not three.

Mr. Ronald Marans, of 18 Lounsbury Road, wanted to remind the Planning Board that this has been a process that has been ongoing for over a year, and that at that time, the room was filled with people who were not necessarily in favor of this project. He stated that numbers do count, and many people did not like the idea of the subdivision.

Ms. Kate Fabian, President of CCNS Board, stated that since the July meeting, the nursery school had changed several items: they reduced the lots from four to three, they addressed the drainage issue, they donated more land, and resolved village ownership of that land and had taken steps to hear what the community had to say.

Chairman Kehoe adjourned the public hearing and referred this application to the Waterfront Advisory Committee and the Water Control Commission.

3. OLD BUSINESS

*a) Zanfardino Subdivision – 101 Brook Street (Sec. 78.08 Blk. 5 Lot 3)—
Referral from Waterfront Advisory Committee on application for Wetlands
Activity permit.*

The Village Engineer spoke with Mr. Greg McWilliams, architect, who will be on vacation for the next two weeks, and therefore unavailable for the next Planning Board meeting.

Chairman Kehoe referenced the memorandums from the Water Control Commission and the Waterfront Advisory Committee, and their recommendations and asked if Mr. McWilliams would be including these recommendations in the plans. Mr. Zanfardino was present and stated that all the recommendations from the Water Control Commission would be incorporated. He noted that in addition to these specific recommendations he would have timetables for the construction to reduce flow of water.

Chairman Kehoe stated that based on the memorandum from the Village Engineer that refers to a tentative schedule for revised plans, he hopes that Mr. Zanfardino

will return to the Planning Board and a public hearing could be scheduled for April 26.

Ms. Allen stated that she felt the project was one that added value to Brook Street and added improvements to the property.

4. NEW BUSINESS

- a) Dan & Elisa Berger—23 Lower North Highland Place—(Sec. 67.20 Blk. 2 Lot 13.01) – Application for Minor Site Plan Approval for new construction of single-family dwelling on an existing subdivision.

Mr. Willaim Besharat, of Rayex Group Inc. presented this application for the construction of a new two story single-family home on a lot that is part of an existing subdivision. He noted that the portion of the existing garage will be removed and it will be used for a storage shed only.

Mr. Besharat said he had worked with the Village Engineer and referred to the drawing “Site plan, notes and details” regarding existing conditions and proposed changes. He addressed storm water management, drywells, downspouts, tree removals and proposed additional trees as a buffer between neighboring houses.

There was a discussion about the location of the garage since it is not compliant with the 1931 Zoning code that states an accessory structure be located five feet from the property line. If the garage remains, a side yard variance would have to be obtained from the ZBA or the existing garage located to the five ft minimum side yard setback, or the garage removed.

Chairman Kehoe and Mr. Besharat discussed the proposed two-foot wide easement with respect to the concrete wall encroachment on the property line.

The Village Engineer stated that an easement will permanently solve any ownership issues regarding this wall and will clearly establish the structure as the responsibility of the owner next door (which currently is the mother-in-law of the applicant).

Mr. Besharat stated that should ownership of the property go to someone other than the current owner, then the approval of easement goes with the land.

The Village engineer stated that one of the conditions of this application should state that the easement shown on the north side of the lot be granted and filed.

A motion was made to approve this application by Mr. Aarons, seconded by Mr. Kauderer and carried by a vote of 4 – 0.

Resolution was accepted with the minutes at the meeting held on Tuesday, March 8, 2011.

Approval of Minutes

The minutes of Tuesday, January 25, 2011 Planning Board meeting were approved on a motion by Ms. Allen, seconded by Mr. Aarons and carried by a vote of 3-0-1 (Mr. Kauderer abstained).

The minutes of Tuesday, February 22, 2011 Planning Board meeting were approved on a motion by Mr. Aarons, seconded by Ms. Allen, and carried by a vote of 3-0-1 (Chairman Kehoe abstained)

There being no further business to come before the board, the meeting was duly adjourned at 10:15 P.M.

Respectfully submitted,

Ronnie L. Rose
Planning Board Secretary

RESOLUTION

WHEREAS, the Planning Board reviewed a Minor Site Plan application on Tuesday, March 8, 2011, prepared by Rayex Group, Inc. for Dan and Elisa Berger, hereafter known as “the Applicant,” said property located at 23 Lower North Highland Place, and designated on the Tax Map of the Village of Croton-on-Hudson as Section 67.20 Block 2 Lot 13.01; and

WHEREAS, the proposal is for a new single-family dwelling; and

WHEREAS, this proposal is considered a Type II Action under the State Environmental Quality Review Act (SEQRA), therefore, no Negative Declaration is required.

NOW, THEREFORE BE IT RESOLVED, that the Minor Site Plan application as shown on Sheet Title entitled “Site Plan, Notes and Details” prepared by Roy A. Fredriksen, P.E. for Rayex Design; and Sheet Title entitled “Floor Plans and Elevations” prepared by Rayex Design, Planning, Construction, dated January 22, 2011; and a Map entitled “Map showing a part of North Highland Place”, dated July 1907, prepared by William Barrett, be approved subject to the following conditions:

1. That, a side yard variance be obtained from the ZBA for the existing garage or the existing garage either be relocated to have a 5’ minimum side yard setback or be removed.
2. That, the easement shown on the north side of the lot be granted and filed.

In the event that this Minor Site Plan is not implemented within three (3) years of this date, this approval shall expire.

The Planning Board of the Village of
Croton-on-Hudson, New York

Chris Kehoe, Chairperson
Mark Aarons
Fran Allen
Bruce Kauderer
Robert Luntz (ABSENT)

Motion to approve by Mr. Aarons, seconded by Mr. Kauderer and carried by a vote of 4 to 0.

Resolution accepted with the minutes of the meeting held on Tuesday, March 8, 2011.

RESOLUTION

WHEREAS, the Planning Board held a public hearing on an Amended Site Plan application on March 8, 2011 for Franzoso Contracting and Green Hybrid Energy Solutions, Inc., hereafter known as “the Applicant.” The subject property, owned by MAF Realty, is located at 33 Croton Point Avenue in a C-2 General Commercial Zoning District and Harmon/South Riverside Gateway Overlay Zone and designated on the Tax Map of the Village of Croton-on-Hudson as Section 79.13 Block 2 Lot 5; and

WHEREAS, the proposal is for the installation of solar panels on the roof of the Franzoso Contracting building; and

WHEREAS, under the requirements of the State Environmental Quality Review Act (SEQRA), the above action is considered a Type II action, and therefore, will have no impact on the environment;

WHEREAS, on March 8, 2011 the Planning Board closed the public hearing on the Amended Site Plan application;

NOW, THEREFORE BE IT RESOLVED, that the Amended Site Plan application as shown on a Diagram Outline of solar panel installation, Specification Sheet for solar panels, and a photograph of the building, received by the Planning Board on February 17, 2011; last received March 8, 2011 as shown on cover letter dated 2/16/11 and with notation “70 panels” from John Tighe and James Glover, Green Hybrid Energy Solutions and Mark Franzoso of Franzoso Contracting, correspondence from Edmond A. Gemmola, RA, AIA dated March 8, 2011, diagram entitled “REC 230 Watt Solar Panel and Enphase M 190 Micro Inverter”, photograph entitled “Without Solar Panels Street View”, photograph entitled “Without Solar Panels 9a View”, photograph entitled “With Solar Panels 9a View”, sheet entitled “One Line Diagram”, and sheet entitled “Line Communications Filter” respectively, be approved with no conditions.

In the event that this amended site plan is not implemented within three (3) years of this date, this approval shall expire.

The Planning Board of the Village of
Croton-on-Hudson, New York

Chris Kehoe, Chairperson
Mark Aarons
Fran Allen
Bruce Kauderer
Robert Luntz (ABSENT)

Motion to approve by Ms. Allen, seconded by Mr. Kauderer and carried by a vote of 4 to 0.

Resolution accepted at the meeting held on March 8, 2011.